

Appl. No. 09/888,264  
Amendment dated May 17, 2005  
Reply to Office Action of November 17, 2004

### **REMARKS**

Applicants respectfully request entry of the amendment and reconsideration of the claims.

Claims 39, 40, 44, and 54-58 have been canceled without prejudice. Applicants reserve the right to pursue the subject matter of these claims in one or more continuation applications.

Claims 1, 36, 37, 41, 46, 52, and 53 have been amended to further clarify the invention. Claims 77 and 78 are newly presented. Applicants submit the amendments and new claims are supported throughout the application, including at page 16, line 14 to page 17, line 12, at page 18, lines 1-3, and page 19, lines 5-25, and raise no issues of new matter.

After entry of the amendment, claims 1, 28, 34-38, 41, 43, 46, 52, 53, and 74-78 are pending.

### **Petition for Extension of Time**

It is noted that a three-month petition for extension of time is necessary to provide for the timeliness of the response. A request for such an extension is made extending the time for response from February 17, 2005 to May 17, 2005.

### **Information Disclosure Statement**

Applicants note that a Supplemental Information Disclosure Statement was submitted on December 3, 2004. Applicants request consideration of the references and return of the initialed 1449 form.

### **Enablement**

Claims 1, 28, 34-41, 43, 44, 46, 52-58, and 74-76 were rejected under 35 U.S.C. § 112, paragraph 1 as lacking enablement. Without acquiescing to the rejection and solely to expedite prosecution, Applicants have directed the claims to a method for screening for compounds that affect mitochondrial uncoupling. The amendment renders the basis of the rejection under § 112, first paragraph, moot. Applicants note the Examiner indicated that claims directed to methods for screening for compounds that affect mitochondrial uncoupling are enabled by the specification.

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In view of the forgoing, Applicants respectfully requested withdrawal of the enablement rejection.

**Request for an Interview**

Applicants request that the Examiner contact Applicants' representative to schedule an interview upon receipt of these papers.

**Conclusion**

In light of the forgoing Amendment and Remarks, Applicants' submit the claims are in condition for allowance. Removal of all rejections and early notice of allowable claims is requested. The Examiner is invited to telephone the undersigned attorney for clarification of any of these remarks or amendments, or to otherwise speed prosecution of this case.

Respectfully submitted,

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